



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James S. Renaldo, President
Consolidated American Industries Corporation
8010 Woodland Center Blvd.
Suite 500
Tampa, FL 33614

Re: Charlestown Mall Site, Frankfort, Herkimer County, New York
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation and Liability Act, 42 U.S.C. § 9601-9675

Dear Mr. Renaldo:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA") or the 42 U. S.C. §§ 9601-9675 (also known as the "Superfund law"). To date, the EPA has incurred up to \$3.4 million in response costs. More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund. The EPA encourages you to give this letter your immediate attention. A complete and truthful response should be provided to the attached Request for Information within **30 days** of your receipt of this letter.

The EPA documented the release and threatened release of hazardous substances into the environment at the Charlestown Mall Site (the "Site") located at 2205 Bleecker Street, Frankfort, Herkimer County, New York, 13501 (and includes 311 Turner Street, Utica, Oneida County, New York). Prior to 2008, several buildings at the Site had fallen into advanced states of deterioration.

In early 2008, the New York State Department of Labor (“NYS DOL”) and New York State Department of Environmental Conservation (“NYSDEC”) directed a demolition company which was razing a portion of one or more of the buildings to cease unpermitted demolition activities at the Site as no steps were being taken to abate the potential release of asbestos containing materials from the buildings and no variance was obtained prior to demolition. NYS DOL documented the presence of asbestos containing materials (“ACM”) in the resulting debris piles.

In October 2008, NYSDEC referred the Site to the EPA for a removal site evaluation. Evaluation of the Site in 2008 and 2009 identified the presence of friable asbestos, corrosive, ignitable, and toxic liquids stored in drums, and the presence of transformers filled with PCB-containing dielectric fluid which had been released and presented a direct contact threat to the public.

Based upon our evaluation of Site conditions, EPA conducted a cleanup or “removal action” (as defined in CERCLA) to mitigate the threat of direct contact posed to the public by the presence of polychlorinated biphenyls (“PCBs”), and abandoned drums of chemicals, and the threat of exposure to the public by asbestos-contaminated demolition debris at the Site. The removal included: the removal and off-site disposal of PCBs and drums; demolition of dilapidated asbestos contaminated structures; and off-site disposal of asbestos contaminated debris.

REQUEST FOR INFORMATION

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), the EPA has broad information gathering authority which allows the EPA to require persons to provide information and/or documents relating to, among other things, the materials generated, treated, stored, or disposed of at or transported to a facility, as well as the nature and extent of a release of a hazardous substance or pollutant, or contaminant at or from a facility, and the ability of a person or entity to pay an outstanding debt of response costs to the EPA. You are hereby required pursuant to the authority of § 104(e) of CERCLA to submit the information called for in the enclosed Request for Information.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104(e) authorizes the EPA to pursue penalties for failure to comply with Requests for Information.

Some of the information the EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat such information confidentially, you must advise the EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the

EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted to the EPA in the time frame noted above.

Please note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify the EPA. This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520. See the enclosed Instructions for information on how to respond to the enclosed questions.

Your response to this Request for Information should be mailed to:

Terry Kish
On-Scene Coordinator
Emergency and Remedial Response Division
Removal Action Branch
U.S. Environmental Protection Agency/Region II
2890 Woodbridge Avenue (MS211)
Edison, NJ 08837

And

U.S. Environmental Protection Agency/Region II
Office of Regional Counsel
New York and Caribbean Superfund Branch
290 Broadway-17th Floor
New York, NY 10007-1866
Attn: Henry Guzmán

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Kish at (732) 321-6641, or have your attorney contact Henry Guzmán, Esq. at (212) 637-3166. We appreciate and look forward to your prompt response to this information request. Thank you.

Sincerely yours,

Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

Enclosures: Request for Information
U.S. EPA Small Business Resources Information Sheet
Figure 1 - Site Layout Diagram

ATTACHMENT 1

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains. Submission of cursory responses when other responsive information is available to your Company will be considered non-compliant with this Request for Information.
4. In answering each question and/or information request, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question and/or information request.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with its addresses. If anything is omitted from a document produced in your response to the Request for Information, state the subject matter of, and the reason for the omission.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.

9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(c)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(c)(7)(E) and (F), and 40 C.F.R. §2.203(b).
10. If you make a claim of confidentiality for any of the information you submit to the EPA, you must prove that claim. For each document or response you claim is confidential, you must separately address the following points:
 - a. The portions of the information alleged to be entitled to confidential treatment;
 - b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. Measures taken by you to guard against the undesired disclosure of the information to others;
 - d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. Pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and
 - f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to the EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claims will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public by the EPA without further notice to you.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".
12. If you have objections to some or all of the questions within the Request for Information you are still required to respond to each of the questions.
13. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request, the EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to the EPA.
14. Refer to the attached diagram, Figure 1 (Site Layout Diagram), when responding to any question and/or information request that relates to any buildings and/or structure at the Site.

B. Definitions

1. As used herein, the term, “Site” shall refer to the Charlestown Mall Site located at 2205 Bleecker Street, Village of Frankfort, Herkimer County, New York (and includes 311 Turner Street, Utica, Oneida County, NY) and any adjacent areas that may have been affected by the contamination from the Site.
2. The term “you” shall mean the addressee of this Request for Information, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
3. As used herein, the terms “the Company” or “your Company” refer not only to Consolidated American Industries Corporation as is currently named and constituted, but also all subsidiaries, divisions, and branches as well as any predecessors and successors in interest of Consolidated American Industries Corporation or any other related company.
4. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
5. The term “Gaetano Associates, LLC” (hereinafter “Gaetano Associates”) shall refer to the business formerly owned by Charles A. Gaetano that your Company subsequently purchased.
6. The term “hazardous substance” shall have the meaning set forth in Section 101(14) of CERCLA, at 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101 (14) of CERCLA) are set forth at 40 CFR Part 302.
7. The terms “disposal”, “hazardous waste”, and “storage” shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
8. The term “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including but not limited to the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex messages, emails, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, computer-readable materials, chromatograms, spectrographs, mass spectra or spectrograms, data generated from any physicochemical methods of analysis, data processing input and invoices, checks, notes,

diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material. "Document" shall also include any data compilation from which information can be obtained or translated if necessary by you through detection devices into reasonably usable form.

9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
10. The term "release" as used herein shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
11. The term "pollutant or contaminant" shall have the meaning set forth in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33) and shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business and affiliation with the individual and/or company to whom/with this request is addressed.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The Company can provide a copy of any document in lieu of so describing it.
15. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information that might otherwise be construed to be outside of their scope.
16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

ATTACHMENT 2

REQUEST FOR INFORMATION

1. State the correct your Company's legal name, mailing address, state and date of incorporation, and agent for service of process in the state of incorporation and New York. Provide a copy of your Company's articles of incorporation or other such documents which established the business.
2. State the name(s) and address(es) of the President, Chief Executive Officer, and –tbg n Chairman of the Board, Partners or other presiding officer(s) of your Company since inception.
3. According to records obtained by the EPA, your Company executed an agreement with Charles A. Gaetano on September 23, 2005 to purchase all ownership interests in Gaetano Associates, including the Site. The Agreement and Plan of Acquisition indicates that the purchase price of Gaetano Associates, LLC was \$500,000 and 1,000,000 shares of Consolidated American Industries Corporation. When did your company assume ownership of Gaetano Associates and the Site after September 23, 2005?
4. When did you obtain a written loan commitment to satisfy the terms of the Agreement and Plan of Acquisition and for what amount? Please identify the financial institution which granted this loan commitment and provide a complete, signed copy.
5. Did your Company compensate Charles A. Gaetano with the purchase price listed in the September 23, 2005 Agreement and Plan of Acquisition in exchange for full ownership interest in Gaetano Associates? If not, describe in detail the actual purchase price and any changes and/or amendments to the terms in the Agreement and Plan of Acquisition. Provide copies of the purchase any and all changes and/or amendments to the Agreement and Plan of Acquisition.
6. How many shares of your Company were actually issued to Charles A. Gaetano in the purchase of Gaetano Associates, LLC and what was the monetary value (US\$) of the stock/shares issued?
7. Please submit a copy of all the documents identified in the September 23, 2005 Agreement and Plan of Acquisition as "Financial Statements" which were attached as "Exhibit A" (referenced in section 2.03.6 of the Agreement). These included:
 - a. The balance sheets and statements of income of Gaetano Associates for the fiscal years 2002, 2003, 2004; and
 - b. The balance sheets and statements of income, changes in stockholders' equity, and cash flow of Gaetano Associates for seven months prior to July 31, 2005.

In addition, please submit a copy of all the documents identified as part of the "Disclosure Schedule" in the Agreement and Plan of Acquisition (referenced in section

- 2.03.12 of the Agreement). These include descriptions of all real property leased or subleased.
8. Please submit a copy of the Disclosure Schedule to the September 23, 2005 Agreement and Plan of Acquisition which lists the properties and assets of both Gaetano Associates and your Company.
 9. Describe any demolition and/or renovations which were conducted at the Site while your Company owned the property. Provide the names of any individuals or Companies involved in performing demolition and/or renovations at the Site.
 10. Did your Company acquire any additional properties in the purchase of Gaetano Associates, LLC? If yes, please identify by lot/block, town and address.
 11. According to records obtained by the EPA, your Company assumed ownership of the Site through the purchase of Gaetano Associates, LLC on or sometime after September 23, 2005 until 2008.
 - a. What operations did your Company conduct at the Site?
 - b. Describe your position(s) and responsibilities at your Company during the period your Company owned the Site.
 - c. When did your Company cease operating at the Site?
 - d. Who managed the day to day operations on behalf of your Company at the Site?
 - e. Did you rent any portion of the property? Please provide leases or describe the agreement in detail (including space provided, time frame of rental, name of tenant, etc.) if no lease existed.
 - f. How did your company generate income at the Site?
 12. What was the nature of the business of your Company?
 13. What years did your Company operate at the Site?
 14. What date did the business stop operations at the Site and what were the reasons the business closed?
 15. Was the business sold to another company? If yes, what was the name and address of that company?
 16. Does your Company exist today? If not, describe the manner of dissolution or other termination and provide the date of such action and provide documentation.

17. Additional information indicates that Charles A. Gaetano continued to manage the Site, either individually or under the name of one of his affiliate companies, until January 1, 2008.
 - a. Describe the circumstances or agreements which were in place that allowed Charles A. Gaetano or any of his affiliate companies to continue to manage the Site after it was purchased by your Company.
 - b. Identify any position(s)/responsibilities Charles A. Gaetano held within your Company?
18. Describe the current business status of Gaetano Associates. If applicable, explain how your Company dissolved associations with Gaetano Associates, and/or the Site.
19. Describe how asbestos was disposed of or handled at the Site.
20. Describe your position(s) and responsibilities at your Company during the period your Company owned the Site.
21. Please provide signed copies of your Company's last five years of federal tax returns including all schedules thereto. Also provide audited financial statements for the last three years. If audited financial statements are not available, include unaudited statements. If no longer in business, please provide the last five years of returns submitted.
22. If your Company has filed for bankruptcy, provide all filings which document the claim, your Company's financial status, and the resolution of the bankruptcy.
23. Provide copies your Company's state tax returns filed for the last five years.
24. Identify and provide copies of all insurance policies and indemnification agreements held or entered into which arguably could indemnify your Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also include those which were in effect during any portion of the time when the Company conducted operations at, or held a property interest in, the Site.
25. Provide copies of any documents regarding prior business operator/operations conducted at the Site that came into your possession when you or your Company purchased the Site

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
Charlestown Mall Site, Frankfort, Herkimer County, New York

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information and all documents submitted in response to the EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to the EPA's Request for Information if any additional information relevant to the matters addressed in the EPA's Request for Information or the company response thereto should become known or available to the company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this ____ day
of _____, 2013

Notary Public